

SERIAL NO. 09/698,201

DOCKET NO. 1293.1144

REMARKSINTRODUCTION:

Claims 1-82 are pending and under consideration. Reconsideration is requested.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action at pages 3-7, the Examiner again rejects claims 49 and 60 under 35 U.S.C. §103 in view of Kashiwagi (U.S. Patent No. 6,069,868) and Kobayashi (U.S. Patent No. 5,724,335). The rejection is respectfully traversed and reconsideration is requested.

Among other features, the Examiner acknowledges on page 4 of the Office Action that Kashiwagi does not suggest a collimating lens as recited in claim 49. In order to cure this deficiency, the Examiner asserts that FIG. 25 of Kobayashi teaches the use of a collimating lens having a diverging power.

By way of review, Kobayashi teaches the use of a lens which changes a divergence degree of diverged light, an example of which is a collimator. (Col. 1, lines 43-47 of Kobayashi). However, there is no suggestion that the general collimator has a diverging power as opposed to a collimating power consistent with the general understanding of the term "collimator." E.g., WEBSTER'S NINTH NEW COLLEGIATE DICTIONARY, P. 260 (1986)(collimator is "a device for producing a beam of parallel rays...."). Additionally, FIG. 25 does not reveal that the shown lens has a diverging power, and instead appears to show that the lens has a non-diverging power since the rays become less divergent after passing through the lens. Since Kashiwagi is not relied upon as disclosing such a feature, it is respectfully submitted that the collimator of Kobayashi in combination with Kashiwagi does not disclose or suggest "a collimating lens arranged in an optical path between said light source and said optical element, the collimating lens having a diverging lens with a diverging power" as recited in claim 49.

On page 2 of the Office Action, the Examiner clarifies that the collimator in FIG. 25 has a diverging power similar to lens 4 of FIG. 12 of the instant application. As a point of clarification, FIG. 12 of the instant application shows a lens 4 having a diverging power that is insufficient for

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the purposes of correcting aberrations for a light beam having a wavelength shorter than 500 nm. (Pg. 15, lines 1-14). As such, even assuming arguendo that Kobayashi teaches a collimator with a diverging power similar to that the lens 4 shown in FIG. 12 of the instant application, there is no suggestion that the collimator in FIG. 25 has a diverging power that "is sufficient to allow the optical element to focus the first light beam with the wavelength of roughly 400 nm onto the first medium with negligible aberration" as recited in claim 49.

Lastly, the Examiner clarifies on page 2 of the Office Action that the collimator shown in FIG. 25 of Kobayashi has a divergence which does not depend on the wavelength of light. As a point of clarification, even assuming arguendo that the divergence in general is not wavelength dependent, the amount of divergence is wavelength dependent.

By way of review, the collimator shown in FIG. 25 is used in the context of a Digital Versatile Disk (DVD) and a Compact Disk (CD). As noted in at least page 3, lines 13-26 and page 15, lines 1-14, and FIGs. 1, 2, 12, and 13 of the instant application, a lens 4 such as that shown in FIG. 12 and the collimator in FIG. 25 of Kobayashi, which are designed for use with DVDs and CDs, are not useable with a light having a wavelength below 500 nm since the lens has a large aberration for short wavelength light. As such, there is no suggestion that the collimator shown in FIG. 25 should be used or would be useable with light having a wavelength of 400 nm.

Since Kashiwagi is not relied upon as disclosing such a feature, it is respectfully submitted that the combination further does not disclose or suggest "the diverging power of the diverging lens is sufficient to allow the optical element to focus the first light beam with the wavelength of roughly 400 nm onto the first medium with negligible aberration" as recited in claim 49.

For at least similar reasons, it is respectfully submitted that the combination does not disclose or suggest at least "light sources to emit respective light beams of different wavelengths, wherein one of the wavelengths is less than roughly 500 nm and another one of

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the wavelengths is more than roughly 500 nm" and "a collimating lens arranged between said light sources and said optical element, wherein said collimating lens comprises a surface with a diverging power" as recited in claim 60.

In the Office Action at pages 8-10, the Examiner rejects claim 74 under 35 U.S.C. §103 in view of Kashiwagi, Kobayashi, and Kashiwagi (U.S. Patent No. 6,175,548). The rejection is respectfully traversed and reconsideration is requested.

On page 9 of the Office Action, the Examiner relies on Kashiwagi (U.S. Patent No. 6,175,548) to disclose a range of blue laser light including a wavelength of less than 400 nm, but not as otherwise curing the above noted deficiencies of the combination of Kashiwagi and Kobayashi as applied to claims 49 and 60. Therefore, for at least similar reasons to those set forth in regard to claims 49 and 60, it is respectfully submitted that the combination of Kashiwagi, Kobayashi, and Kashiwagi (U.S. Patent No. 6,175,548) does not disclose or suggest "light sources to emit a light beam of less than roughly 400 nm and another light beam having a wavelength suitable for recording and/or reproducing data with respect to a digital versatile disc," and "a collimating lens arranged between said light source and said optical element, wherein said collimating lens comprises a surface with a diverging power" as recited in claim 74.

STATUS OF CLAIMS NOT REJECTED:

On page 11 of the Office Action, the Examiner allows claims 1-48, 50-59, 61-73, and 75-82.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution

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can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any additional fees associated with the filing of this Response, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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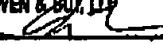
Date: Dec. 7, 2004

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on Dec. 7, 2004

STEIN, McEWEN & BUI LLP

By: 

Date: Dec. 7, 2004